

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Case No. 22-MJ-00352 (JFD)

**AFFIDAVIT OF ELIJAH E. CARPENTER
IN SUPPORT OF A CRIMINAL COMPLAINT**

Elijah E. Carpenter, being duly sworn under oath, deposes and states as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and have been so employed for approximately two years. I have a Bachelor of Arts Degree in National Security and Intelligence and in Political Science from Fairmont State University, West Virginia. I also have an Associate Degree in Criminal Justice from Mountwest Community and Technical College, West Virginia. I am a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigator Training Program (CITP), the ATF Special Agent Basic Training program (SABT), and the West Virginia State Police Academy. The curriculum of these courses included training and instruction in Federal Criminal Law, Constitutional Law, Laws of Arrest, Laws of Evidence, Search and Seizure, Criminal Investigations, WV State Law and instruction in criminal investigations on the described offenses herein. Before joining the ATF, I was employed as a Deputy Sheriff in West Virginia since 2013. Within this role, I investigated violations and enforced laws according to United States Code and WV State Code. While employed as a Deputy Sheriff, I was assigned to a Criminal Investigations Unit and Street Crimes and Drug Unit. Major duties while assigned to these Units included investigation into violations of the Uniform Controlled

Substance Act and other major felonies and violent crimes. The investigations that occurred during these roles led to multiple warrant applications, seizures, arrests, and contributed to successful federal and state prosecutions. In my capacity as a Special Agent with the ATF, I have received training related to criminal investigations to include crimes involving gang activity, firearms violations, drug trafficking, arson, bombings, money laundering, undercover operations, Title III wiretaps, as well as electronic and physical surveillance procedures. I have received advanced training in Firearms Interstate Nexus. I work with various law enforcement agencies and drug task forces throughout the state of Minnesota and other areas of the United States and have supervised, led, and/or otherwise been a part of arrests and search warrants during my career as a law enforcement officer. My duties and responsibilities include criminal investigations of individuals and entities for possible violations of federal laws related to firearms.

2. This affidavit is submitted in support of a criminal complaint against Nicholas James Bell (hereinafter "BELL") on grounds that he knowingly and intentionally committed a violation of Title 18, United States Code, Sections 922(o) and 924(a)(2) (Unlawful Possession of a Machinegun).

3. The facts and information contained in this affidavit are based upon my personal knowledge and information obtained from other law enforcement officers/agents involved in the investigation. This affidavit contains the information necessary to support probable cause for the requested criminal complaint and arrest warrant. It is not intended to include each and every fact and matter observed by me or

known to those involved in the investigation.

PROBABLE CAUSE

4. The Department of Homeland Security, Customs and Border Protection (CBP), routinely inspects packages coming into the United States from foreign countries. On February 17, 2022, CBP identified a FedEx package, mailed from a business in China to “N. BELL” at BELL’s residence in Blaine, Anoka County, Minnesota, which was declared as “bicycle adapter/bicycle pin parts.” Upon closer inspection of this package, CBP found that the package did not contain bicycle parts, but rather appeared to contain 21 firearm parts determined to be Glock pistol “switch” or an “auto sear” parts. A switch, or an auto sear, is a device which can be attached to a firearm. When attached, the device converts the firearm into a fully automatic weapon, or machinegun, and enables the firearm to fire continuously, without manual reloading, by a single function of the trigger.

5. Based on this discovery CBP and the Department of Homeland Security Investigations (HSI) conducted additional searches to obtain more information about the package and the recipient, BELL. Through this investigation, HSI discovered that “N. BELL” had received a total of five shipments from the same company in China from January 12-March 10, 2022. The shipments were all declared as bicycle or other mechanical parts and had been shipped to BELL’S address in Blaine. On or about April 22, 2022, HSI notified local law enforcement of the shipments.

6. Based on this information, local law enforcement began to conduct surveillance on BELL. On or about April 23, 2022, officers with the Blaine Police

Department observed a vehicle, a red Nissan Rogue, Minnesota license plate BDY064, registered to BELL leaving BELL'S residence in Blaine. Officers conducted a traffic stop on the vehicle based on a traffic violation.

7. Upon stopping the vehicle, officers identified the driver and sole occupant as BELL. While speaking to BELL, officers noted the odor of marijuana emanating from the vehicle. Officers informed BELL that they would be searching the vehicle and asked him to step outside. BELL informed officers that he had a permit to carry a firearm and that there was a firearm in the vehicle's glove compartment.

8. Officers located the firearm, a loaded Glock 19X handgun, serial number BRBU708, and observed that it was outfitted with an auto sear that would enable the gun to fire as a fully automatic weapon. Officers further noted that the Glock contained an extended magazine which contained 20 rounds of ammunition. In addition to the firearm, officers located an extended drum magazine, containing fifty rounds of ammunition, seven additional auto sears which appear to fit Glock handguns, and a small amount of marijuana and marijuana wax.

9. On April 25, 2022, pursuant to a warrant, law enforcement conducted a search of BELL'S residence. Among other items, agents located and seized an additional auto sear that appears to fit a Glock handgun and an empty FedEx mailer that corresponds to one of the shipments documented by CBP/HSI as being sent to BELL from China between January-March 2022.


10. I have examined photographs of the Glock 19X handgun with affixed auto sear and separate auto sears seized from BELL'S vehicle on April 23, 2022. As

an ATF agent, I have examined over one hundred auto sears. Based on my training and experience, the device attached to the Glock 19X is similar in size, shape, function, and design as other auto sears I have encountered. The device attached to the Glock 19X would allow that firearm to be fired as a fully automatic weapon and the device by itself may be considered a machine gun.

11. I have searched BELL'S name and address in the ATF's Federal Firearms License (FFL) database. Certain classifications of FFLs would give the holder the legal authority to possess a machinegun. These types of FFLs are typically restricted to law enforcement and military uses. BELL does not have an FFL nor does anyone at BELL's address appear to have an FFL. There does not appear to be any lawful reason why BELL would be allowed to be in possession of a fully automatic weapon.

12. Based on the above information, I submit there is probable cause to believe that BELL, knowingly possessed a machinegun, to wit, a Glock 19X handgun, serial number BRBU708, equipped with an attached conversion device, enabling it to be fired as a fully automatic weapon by a single function of the trigger, knowing that the firearm had characteristics that made it a machinegun as defined by Title 26, United States Code 5845(b), all in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

Further your Affiant sayeth not.



Elijah E. Carpenter, Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime and
email pursuant to Fed. R. Crim. P. 41(d)(3).
on 4/26 2022.



The Honorable John F. Docherty
United States Magistrate Judge